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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 STEVEN DARBY MCDONALD,

9 Plaintiff,

10 v.

11 KENNETH LAUREN, et al.,

12 Defendants.

CASE NO. 3:17-cv-05013-RBL-DWC

ORDER ON REVIEW OF MOTION  
TO RECUSE AND MOTION TO  
TRANSFER

13 On October 15, 2017, Plaintiff Steven Darby McDonald filed a Motion for Recusal of  
14 Magistrate Judge David W. Christel in this matter, Dkt. #64, and on October 16, 2017, Mr.  
15 McDonald filed a Motion requesting transfer of this case to the Seattle Division, directed to the  
16 Chief Judge, Dkt. #67. On October 27, 2017, Judge Christel issued an Order declining to recuse  
17 himself and, in accordance with this Court's Local Rules, referred that decision to the Chief  
18 Judge for review. Dkt. #70; LCR 3(e). This Order also declined to grant the requested relief of  
19 transferring this case to the Seattle Division and directed that the above two Motions be placed  
20 on the undersigned's calendar. Dkt. #70.

21 A judge of the United States shall disqualify himself in any proceeding in which his  
22 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall  
23 disqualify themselves in circumstances where they have a personal bias or prejudice concerning  
24

1 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28  
2 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, “whenever a party to any proceeding in a  
3 district court makes and files a timely and sufficient affidavit that the judge before whom the  
4 matter is pending has a personal bias or prejudice either against him or in favor of any adverse  
5 party, such judge shall proceed no further therein, but another judge shall be assigned to hear  
6 such proceeding.”

7 The Court has reviewed Mr. McDonald’s Motion to Recuse and the documents cited  
8 therein. Mr. McDonald focuses intently on Judge Christel’s supposed false characterization of  
9 Mr. McDonald’s Show Cause Motion, Dkt. #43, in Judge Christel’s subsequent Order, Dkt. #59.  
10 The Court finds that Judge Christel’s Order is not *quoting* Mr. McDonald’s motion—there are no  
11 quotation marks—but is rather summarizing the requested relief in that Motion. This summary  
12 is generally accurate. Mr. McDonald does request in his Show Cause Motion that the Court  
13 order Defendants to show cause why Defendants and their agents have failed to get Defendants  
14 to allow him to exhaust his administrative remedies, and Mr. McDonald does state that he is  
15 attempting to file a new federal civil rights lawsuit. Mr. McDonald’s Show Cause Motion states  
16 that “Defendants and their agents are deliberately prohibiting and/or frustrating this by their not  
17 allowing the complete and proper exhaustion of all possible remedies to take place under the  
18 Tort Claim procedure codified in RCW 4.92.” Dkt. #43 at 1. The Court’s subsequent summary  
19 of this argument, that “Plaintiff states... Defendants and their agents are not prohibiting Plaintiff  
20 for properly exhausting his new claims,” is perhaps confusing, and at worst contains a  
21 typographical error. *See* Dkt. # 59. The Court’s subsequent analysis of Mr. McDonald’s Motion  
22 is legally sound. Together, this fails to constitute evidence upon which the impartiality of Judge  
23 Christel might reasonably be questioned.

1 The remainder of Mr. McDonald's claims likewise fail to demonstrate impartiality or  
2 bias, at worst showing potential oversights or errors in the normal operations of the Court.

3 The Court has also reviewed Mr. McDonald's Motion to Transfer to the Seattle Division  
4 and Judge Christel's Order on the same, and agrees with Judge Christel's reasoned analysis. Mr.  
5 McDonald's arguments "amount to disagreements about when a motion was noted, the number  
6 of pages the Clerk has included on some of his docket entries, and an allegation that the  
7 Magistrate Judge is either purposefully misreading facts or the CM/ECF system has been  
8 hacked." Dkt. #70 at 3. These claims and the attached evidence do not support the requested  
9 relief, and venue is otherwise proper in the Tacoma Division. *See id.*

10 Accordingly, the Court hereby finds and ORDERS that Judge Christel's refusal to recuse  
11 himself from this matter is AFFIRMED and Mr. McDonald's Motion to Transfer (Dkt. #67) is  
12 DENIED. The Clerk shall provide a copy of this Order to Mr. McDonald.

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14 DATED this 1 day of November, 2017.

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18 RICARDO S. MARTINEZ  
19 CHIEF UNITED STATES DISTRICT JUDGE  
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